

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION AT ABINGDON

IN RE: JOSEPH MICHAEL WINEBARGER)
 AGNES MARIE WINEBARGER) **CHAPTER 13**
) CASE NO. 15-70558

ORDER

This matter came upon the confirmation hearing on debtor(s) proposed Chapter 13 plan and any objections thereto, and the trustee's motion to dismiss. It appearing to the court that the debtor(s)' plan is not ready for confirmation, it is hereby **ORDERED**:

1. x The hearing on the confirmation of debtor(s) proposed Chapter 13 plan and any objections thereto and the trustee's motion to dismiss are:

 X a) CONTINUED to **July 22, 2015 at 10:30 a.m.**

 _____ (b) CONTINUED to the same date and time as any hearing on the modified plan to be filed as required in paragraph 6 below.

2. _____ This continuance is conditioned upon the debtors(s) keeping their plan payments current. Failure to do so results in dismissal on the continued hearing date or automatic dismissal without further notice of hearing twenty-one (21) days after the trustee's certification unless the debtor files a timely response to the certification.

3. _____ The debtor(s) shall have until _____ to bring plan payments current, otherwise, the case will be dismissed at the continued hearing date or will be automatically dismissed twenty-one (21) days after the trustee's certification that plan payments are delinquent unless the debtor(s) timely file a response to the certification.

4. _____ The hearing on confirmation, and any objections thereto, and the trustee's motion to dismiss/convert are continued to _____ at _____ a.m./p.m. at which time all the conditions marked with an "X" on the attached Exhibit A must have been accomplished or the debtor(s) shall appear at that time and show cause why the case should not be dismissed.

5. _____ Confirmation of the debtor(s)' existing Chapter 13 plan is DENIED.

6 ____ Debtors(s) shall have **14 days** to file a modified plan. Upon failure to do so, or to request an extension of time prior to the due date for the modified plan, this case shall be dismissed without further notice or hearing, unless on or before the due date for the modified plan counsel files a certification that there is not need to file a modified plan.

Should a modified plan be timely filed, counsel shall serve it in accord with existing procedures and orders of this court; provided however, that no service shall be required as to any class of creditors not adversely affected by the amended plan, as certified in writing by counsel for the debtor(s) and endorsed as agreed by the trustee, which certification shall be filed with the clerk no later than the date by which service of the modified plan is required to be made. In all cases of plan modification, service shall be made upon any creditors who has any pending objection to confirmation or a specific request for notice.

7. ____ Counsel for the debtor(s) shall submit a wage deduction order to the court no later than ____ or the debtor(s) shall appear at the continued hearing date to show cause why no wage deduction order should be entered.

8. x ____ Should the trustee be prepared to recommend confirmation, she/he may submit a confirmation order for entry prior to the continued hearing provide there is no pending objection by a creditor to confirmation.

9. x ____ Other provisions: **Debtor to provide his October 31, 2014 pay stub within 14 days from June 17, 2015.**

Debtor(s)' counsel shall serve a copy of this order upon the Chapter 13 trustee and all creditors or their counsel who have filed objections, a motion to dismiss or convert, or any unresolved motion for relief from the automatic stay.

ENTERED: June 23, 2015


U. S. BANKRUPTCY JUDGE

WE CONSENT:

/s/ CHRISTOPHER MICALE
CHAPTER 13 TRUSTEE

/s/ Scot S. Farthing
DEBTOR'S COUNSEL

United States Bankruptcy Court
Western District of Virginia

In re:
Joseph Michael Winebarger
Agnes Marie Winebarger
Debtors

Case No. 15-70558-pmb
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0423-7

User: martinj
Form ID: pdf003

Page 1 of 1
Total Noticed: 1

Date Rcvd: Jun 23, 2015

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 25, 2015.

db/jdb +Joseph Michael Winebarger, Agnes Marie Winebarger, 142 South Holston Street,
Marion, VA 24354-3401

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 25, 2015

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 23, 2015 at the address(es) listed below:

Christopher T. Micale (393585) chapter13_trustee@chl3wdva.com, tng@chl3wdva.com
Scot Stewart Farthing on behalf of Debtor Joseph Michael Winebarger scotf@sfarthinglaw.com,
sharonfwms@embarqmail.com
Scot Stewart Farthing on behalf of Joint Debtor Agnes Marie Winebarger scotf@sfarthinglaw.com,
sharonfwms@embarqmail.com
USTrustee USTPRegion04.RN.ECF@usdoj.gov

TOTAL: 4